

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

)	Complaint No. 98-107
In the matter of:)	Administrative Civil Liability
Alan J. Paull)	for
Taylor Desk)	Violations of the California Water Code
11020 Santa Fe Avenue)	Section 13376
Lynwood, CA 90262)	
)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Taylor Desk is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Los Angeles Region (hereinafter, Regional Board), may impose civil liability pursuant to Section 13385 of the California Water Code (CWC).
2. Unless waived, a hearing on this matter will be held before the Regional Board during a public meeting on April 22, 1999 that begins at 9:00 a.m., in the City of Camarillo City Hall, 601 Carmen Drive, Camarillo, California. You and/or your representative(s) will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of civil liability by the Regional Board. An agenda for the hearing will be mailed to you not less than ten days before the hearing date.
3. At the hearing, the Regional Board will consider whether to affirm, reject or modify the proposed administrative liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability, or any other action appropriate as a result of the hearing.
4. The State of California has adopted a General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The General Permit requires facilities to submit a Notice of Intent (NOI) if the facility presents an exposure threat to storm water runoff as prescribed by the General Permit.
5. On March 30, 1992, Taylor Desk (Permittee) filed an NOI signed by Mr. Allan J. Paull to comply with the terms of the General Permit. The Permittee re-enrolled under the new General Permit on May 28, 1998, under the same WDID No. 4B19S006999. By filing an NOI, the Permittee is required to comply with all terms and conditions of this General Permit, which includes submission of an annual report to the Regional Board, as well as implementation of an effective storm water pollution prevention plan.

6. The General Permit requires each permittee to submit an annual report by July 1 of each year. Regional Board records show that the Permittee has not submitted three annual reports due in years from 1996 through 1998. The Permittee has been in violation of the General Permit for 938 days (July 2, 1996 to January 25, 1999) and is civilly liable for a total of 938 days of violation.
7. On January 10, 1997, the Regional Board notified the Permittee to submit the 95/96 annual report. Subsequently, on January 16, 1997, the Permittee was sent a non-compliance letter for failure to submit this report. On April 28, 1998, a Notice of Violation (NOV) was issued to the Permittee for non-submittal of the 95/96 and 96/97 annual reports. On August 17, 1998, the Permittee was notified for failure to submit the 97/98 annual report. On December 3, 1998, an NOV was issued to the Permittee for non-submittal of the 97/98 annual report. The Permittee is in violation of the General Permit, the Federal Clean Water Act, and the California Water Code. Accordingly, on December 22, 1998, the Executive Officer of the Regional Board issued Complaint No. 98-107, an Administrative Liability for WDID No. 419S006999. The complaint alleged that the Permittee failed to submit annual reports from 1996 through 1998. The Executive Officer recommended a civil liability of \$8, 250.00.
8. On January 25, 1999, the Permittee submitted annual reports for 95/96, 96/97 and 97/98. Each annual report was dated January 21, 1999.
9. Section 13385(a)(2) of the CWC provides that any person who violates any waste discharge requirements issued pursuant to the Federal Water Pollution Control Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs. The total maximum liability that may be assessed for this violation is \$9,380,000.00
10. In determining any liability to be imposed, CWC Section 13385(e) requires the Regional Board to consider the following factors:
 - a. Nature, circumstances, extent, and gravity of the violations: The Permittee has been notified and given sufficient time to submit the annual reports. The Permittee did submit the three annual reports however late. Therefore, a reduction in the maximum civil liability is warranted.
 - b. The ability to pay: The Regional Board lacks sufficient information to determine the Permittee's ability to pay. The Regional Board assumes that the maximum liability of \$9,380,000.00 is in excess of the financial resources available to the Permittee. Therefore, a reduction in the civil liability is warranted.
 - c. Prior history of violations: The Permittee has been in violation for three years since July 2, 1996, when their first annual report was due. Therefore, no reduction in the civil liability is warranted.

- e. Economic benefit or savings: The Permittee realized cost savings by failing to perform required sampling and analyses and to prepare the annual reports. Therefore, no reduction in the civil liability is warranted.
 - f. Other matters as justice may require: Staff time to prepare this complaint is estimated to be \$900 (12 hours at \$75 per hour).
- 11. **Recommended Civil Liability:** Upon consideration of the foregoing factors as required by CWC Section 13385(e), the Executive Officer recommends a civil liability of \$4,800.00 for violation of the General Permit requirements from July 2, 1996 to January 25, 1999. This includes staff time valued at \$900.00.
 - 12. Amended Complaint No. 98-107: Complaint No. 98-107, as issued on December 22, 1998 is hereby rescinded. The findings and recommendations in this Amended Complaint No. 98-107 are hereby effective.
 - 13. **WAIVER OF A HEARING:** The Permittee may waive the right to a hearing. If the Permittee wishes to waive the right to a hearing, please sign the attached waiver and return it to the Regional Board, along with a check in the amount of \$4,800.00 (payable to the State Water Resources Control Board, Cleanup and Abatement Account). Should you have any questions, please contact Mr. Bryan Schweickert (213) 576-6786 or the Regional Board counsel, Mr. Jorge Leon, at (916) 657-2428.

Dennis A. Dickerson
Executive Officer

Dated: April 8, 1999

WAIVER OF THE RIGHT TO A HEARING

- ☐ By checking the box, Taylor Desk waives its right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 98-107. Taylor Desk understands that it is giving up its right to argue against the allegations made by the Executive Officer in this complaint, and against imposition of, and the amount of, the civil liability imposed.

Signature: _____

Name: _____

Position: _____

Company: _____

Date: _____